

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GOVERNMENT EMPLOYEES INSURANCE
COMPANY, GEICO INDEMNITY
COMPANY, GEICO GENERAL
INSURANCE COMPANY and GEICO
CASUALTY COMPANY,

Docket No.:
1:23-cv-00110-PKC-RER

Plaintiffs,

-against-

ECNYC CO., L.L.C., MICHAEL ZWIRBLIA PSY.D.
(A Sole Proprietorship), MICHAEL ZWIRBLIA,
STEPHEN ZWIRBLIA (A Sole Proprietorship),
STEPHEN ZWIRBLIA, PRESTIGE BILLING AND
COLLECTION SERVICES, INC., YANNA
VOLKOV, SVETLANA BARSKAYA, FELIX
ELINSON and JOHN DOE DEFENDANTS “1”
through “10”,

Defendants.

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**STIPULATION AND ORDER TO STAY AND ENJOIN
UNDERLYING COLLECTION PROCEEDINGS**

WHEREAS, Plaintiffs, Government Employees Insurance Company, GEICO Indemnity Company, GEICO General Insurance Company, and GEICO Casualty Company (collectively, “Plaintiffs” or “GEICO”) have commenced this action against (among others), Defendants, Michael Zwirblia, PsyD (A Sole Proprietorship) (“MZP”) and Michael Zwirblia (“Zwirblia”) (collectively, the “Zwirblia Defendants”); and

WHEREAS, counsel for GEICO and counsel for the Zwirblia Defendants have negotiated and executed this stipulation and are requesting that the Court So-Order the stipulation so as to preserve the status quo pending the final disposition of the Plaintiffs’ claims in this action against the Zwirblia Defendants;

NOW, IT IS HEREBY STIPULATED AND AGREED that pending a final resolution of this action, including any appeals:

1. The time for the Zwirbilia Zwirblia Defendants to answer, move or otherwise respond to the Plaintiffs' Complaint in this matter is extended to and including March 10, 2023.

2. The Zwirblia Defendants waive all objections and affirmative defenses based upon personal jurisdiction or service of process.

3. The Zwirblia Defendants agree to stay and to take no further action in or relating to (i) any and all no-fault collection arbitrations between them (or any of them) and GEICO that are pending before the American Arbitration Association ("AAA") or any other arbitration tribunal, seeking payment from GEICO of no-fault benefits, and (ii) any and all lawsuits pending in any state or local court between them (or any of them) and GEICO seeking payment from GEICO of no-fault benefits.

4. The Zwirblia Defendants, as well as their attorneys, agents, and anyone purporting to act on their behalf, agree to a preliminary injunction, pending a final resolution of this action, including any appeals, enjoining and restraining them from (i) submitting any billing to GEICO in their names or by them or on their behalf or in the name of any other entity or practice (regardless of form) in which Zwirblia owns, manages, controls or from which he derives any economic benefit, and /or (ii) commencing any new arbitrations before any arbitration tribunal or commencing any lawsuits in any state or local court against GEICO seeking payment of no-fault benefits in Zwirblia's name, by or on his behalf, or in the name of any other entity or practice (regardless of form) in which Zwirblia owns, manages, controls or from which he derives any economic benefit.

5. The Zwirblia Defendants shall cooperate with Plaintiffs and take all reasonable action (including communicating with any court or arbitration tribunal) to advise of and effectuate the stay and injunction prohibiting any and all efforts to seek collection of no-fault benefits from GEICO in accordance with this Stipulation and Order.

Dated: February 9, 2023

RIVKIN RADLER LLP

RUSKIN MOSCOU FALTISCHEK, P.C.

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Counsel for Defendants Michael Zwirblia, PsyD (A Sole Proprietorship) and Michael Zwirblia

S O O R D E R E D:

/s/ Ramon E. Reyes, Jr.

U.S.M.J.

Brooklyn, New York
February 10 , 2023